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By: Nancy Foster
Nancy Foster

#8

PATENT

Customer No. 22,852

Attorney Docket No. 7579.0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Graham E. KELLY

Application No.: 09/602,191

Filed: June 22, 2000

For: HEALTH SUPPLEMENTS
CONTAINING PHYTO-
OESTROGENS, ANALOGUES OR
METABOLITES THEREOF

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) Group Art Unit: 1623
)
) Examiner: J.O. Wilson
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Commissioner for Patents
Washington, DC 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

The Grunert, et al. document is not in English. "Where the information is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance [under 37 C.F.R. § 1.98(a)(3)] can be satisfied by submitting an English-language version of the search

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report or action which indicates the degree of relevance found by the foreign office." (See MPEP §609 A(3), second paragraph.)

Copies of the listed documents, including any copending patent applications, are attached. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form. A copy of the EPO Examination Report dated March 8, 2002, that cites 4 of the 5 documents submitted is enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.


Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 1, 2002

By: 
Robert W. Mann
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